

CITY OF WEST LAFAYETTE
COMMON COUNCIL
PRE-COUNCIL MINUTES
July 28, 2016

The Common Council of the City of West Lafayette, Indiana, met in the Multi-Purpose Room at the Morton Community Center on July 28, 2016, at the hour of 4:30 p.m.

President Bunder called the meeting to order and presided.

Present: Peter Bunder, Nick DeBoer, Larry Leverenz, David Sanders, and Norris Wang.

Absent: Steve Dietrich, Azeem Jha, Gerry Keen, and Gerald Thomas.

Also present: Mayor John Dennis, Corporation Counsel Eric Burns, Clerk Sana Booker, IT Director Brad Alexander, Public Works Director David Buck, Facilities Director Tim Clark, Interim Director of Development Dale Dixon, Police Chief Jason Dombkowski, Parks Superintendent Janet Fawley, Human Resources Director Diane Foster, City Controller Peter Gray, Fire Chief Tim Heath, WWTU Director David Henderson, and Street Commissioner Doug Payne.

PUBLIC RELATIONS:

Beautification Award

President Bunder will present the Beautification Award to Steve and Helen Green of 505 Emilie Drive.

SPECIAL REPORTS:

Downtown Land Use Concept Plan – Area Plan Commission

Sallie Fahey, Executive Director, Area Plan Commission, stated that West Lafayette has had a lot of development in what is considered to be the City's traditional downtown and maybe reemerging downtown. In conversations with Mayor Dennis and Public Works Director Buck, they and the APC staff decided that it was time to have some guidance for this area. She confirmed with the Council that they received the map and the document that explains the districts. Executive Director Fahey stated that at this point that we are not requesting or initiating a Land Use Plan amendment. This is not intended to be an official document, but the joint staffs wanted to be able to articulate, and put to paper, a concept vision for what this greater downtown area could be like. She stated that we want to be able to articulate that to any developer who comes to the City or the APC, so that a common vision and a common future is being provided to anyone who would like to develop or redevelop in this area. She stated that this is not to make an official adoption, but to let the Council know what will be articulated to the development community. She invited comments or revisions from the Council.

Ryan O'Gara, Assistant Director, Area Plan Commission, provided more details of the plan. He stated that we have created land use categories similar to what was done for New Chauncey, but the categories were crafted to reflect the more urban downtown environment. He stated that the Conservation/Recreation area comprises of land that is in the flood plain and is public land under the City's or INDOT's control. He noted that very little can go into those spaces. Assistant Director O'Gara stated that the two high density residential categories, 1 and 2, were borrowed from New Chauncey's plan, and then elevated a bit to reflect the more intense environment. He explained that the density ranges were based on real projects that are in and around West Lafayette. He stated that we wanted to ensure that existing projects could fit into this land use scheme as a launching point. He stated that for the mixed-use categories, including Downtown Edge,

Downtown Gateway, and Downtown Core, we left off the density requirement because we are more interested in bulk and massing of buildings—how tall they can get, and the disposition of the uses within the buildings. To that end we centered on the Downtown Core, with the epicenter of State Street and Northwestern Avenue. As it radiates out from there it steps down. He stated that we also made sure that along Fowler Avenue, which borders New Chauncey neighborhood, we promoted the idea of a building step-back. He explained that as a building goes higher, after the third or fourth story, the building has to come back a bit to reflect that you are stepping down into a much different environment when crossing Fowler into New Chauncey. He stated that this area in the New Chauncey Plan is very low density. He stated that when talking about building heights, it is the number of stories; we are not necessarily concerned about a certain amount above sea level or an arbitrary number of feet. He noted that we can get into specifics if this plan comes into greater focus. The ceiling for the Downtown Core area would be the airport overlay, with the allowance close to the airport being roughly 13 stories. The Levee is different due to being lower. He stated that we acknowledged that there are two downtown environments joined together at the River Road and State Street intersection, so the downtown environment possibility was extended for the Levee. The overall vision is a continuous downtown experience from Lafayette, across the river, into the Levee, and up the hill. He stated that the hilltop concept has always been kind of a policy statement, and this follows through on that. Assistant Director O’Gara stated that this is a good launching point for a discussion.

Councilor DeBoer asked for an explanation on the purpose of the Downtown Edge, which seems to be nestled between the highest and second highest density options. He stated that he cannot tell a reason why that exists. Assistant Director O’Gara responded that the Downtown Edge is to provide a lesser mixed-use environment that is transitioning to a purely residential one. It provides a transitional buffer where there is a step-down in intensity. In this case we are removing the commercial aspect in the residential-only categories. He stated that we looked at Wood Street, and we wanted to make sure that there was some mixed-use symmetry across the street instead of an abrupt change at the street. It is to acknowledge that the heart of the action is State Street itself, and these lesser streets should have a subordinate land use nature.

Councilor DeBoer asked what the process from here to making this a land use plan that the Council would adopt that would give guidance to builders that they would need to run through PDMX rezones all of the time in order to actually get anything done. Assistant Director O’Gara responded that the Council would request that the APC draw up a map. The Council would have to adopt a boundary for the area to be studied. Then a resolution would have to be passed authorizing the APC to initiate a land use plan amendment. Executive Director Fahey added that a land use plan adoption would not in and of itself prevent the need for planned developments. It would need to be followed by zoning ordinance amendments that would allow these kinds of densities and heights. She confirmed for Councilor DeBoer that it would be something that the APC would put forward after the land use plan is adopted. She stated that as to when the process could happen, it partly depends on the Council. The APC already has in the pipeline, just in West Lafayette, the form-based code for New Chauncey, followed by the land use plan for the US 231 corridor, and this item would be the third big project in West Lafayette.

President Bunder stated that he is sure he will now get a variety of questions about what this plan means, including if there will be a municipal zone. He stated that he already has some of those questions. He asked where the public input would come during the procedure. Executive Director Fahey responded that for these two documents, the map and the explanation of zones, there would be no public process. It is what staff will present to developers, but it is not official policy. She stated that the existing zoning is what will control the land uses. For the existing zoning, which actually does support the current municipal buildings and many of the other operations in this downtown, there is no problem. If somebody wants to do something that the existing zoning

does not permit, based on these concepts, then the project would still need to come through as a planned development at this point.

Executive Director Fahey confirmed for President Bunder that looking ahead to a variety of planned developments, this plan will help initiate conversation and dialog with the developers. She provided an example of a developer looking at a 13-story residential building south of Wood Street, then the APC can say that our vision is that it is too much at that location. We can talk to the developer about what we think is acceptable and what we would promote for the design of a project.

President Bunder stated that he will highlight the word “concept” in his emails with people.

Councilor DeBoer asked if Executive Director Fahey can recall the last time that this body petitioned the APC for a land use plan, as he would like to look at a previous example. Executive Director Fahey responded that the last one was just a few months ago for US 231.

President Bunder stated that he was reminded by Councilor DeBoer earlier that the last time the Council looked at this as a whole was in 2010, and ordinance changes were voted down at that time. He stated that he is sensitive to the concern that will be a part of this conversation. Executive Director Fahey stated that she is hopeful that having a concept, and at some point in the future a real amendment to the Land Use Plan, that it will allow the APC to work with the Council and the citizens to make the changes necessary to the zoning ordinance that would allow some of these developments by right, rather than as planned developments. She stated that hopefully this process beginning tonight will allow the Council to feel more comfortable doing that. Councilor DeBoer noted that there are also many new members here.

Joint Board Report

Councilor DeBoer reported that the Joint Board met earlier this month, and the principle focus was The Hub on Sylvia Street. This is a proposed 12-story building with 2 stories of either mixed-use or condos, and then 10 stories of apartments of varying sizes, with a pool and other things on the roof. He stated that it presumably does not violate the airport overlay.

President Bunder noted that this is because this is in a collaboration zone. Councilor DeBoer confirmed this, and he added that the Joint Board looks at anything within that zone, but the Board does not have binding authority to say that it cannot be done. Regarding Council member's discussion about the border of that zone, Corporation Counsel Burns stated that the document with the map is on the website.

UNFINISHED BUSINESS:

Ordinance No. 20-16 An Ordinance Vacating Drainage, Sewer, And Landscape Easement In The City Of West Lafayette, Indiana (Stephen & Connie Ratcliff) (Lauren Lakes Subdivision) (Submitted by Reiling Teder & Schrier, LLC) PUBLIC HEARING

President Bunder read Ordinance No. 20-16 by title only.

Ryan Munden (Reiling Teder & Schrier, LLC), representing the petitioner and Counsel Burns confirmed that there will be a public hearing at the Council meeting.

There was no further discussion.

NEW BUSINESS:

Ordinance No. 21-16 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect. (Wabash Landing Apartments II, LLC & Tapawingo Hotel, LLC) (Wabash Landing Apartments Expansion 2016 PD) (PDMX to PDRS) (Submitted by Area Plan Commission)

President Bunder read Ordinance No. 21-16 by title only.

Joe Bumbleburg (Ball Eggleston PC), representing the petitioner, stated that this is a project in Wabash Landing. He stated that the APC staff report was the product of several months of meetings and negotiations, so it is a very accurate representation of not only the area down there, but the project that is going to be involved. The process is going to be to take down the commercial areas within the road that ran between the two buildings, and put up a five-story building with 115 residential units. It will cause a reworking of the parking in the area. They will come up with in the end, for the existing parking spaces on the re-work of 92 spaces, 311 spaces for the movie theater, 258 spaces for the remaining area of the retail, 104 spaces for the existing hotel—one space per room—and 115 spaces for the new 115 units being built with this project. He stated that will leave 60 extra spaces to be allocated, based upon future needs. Other changes in that streetscape will involve upgrades to the hardscape, the landscape, and to the entire pedestrian promenade. There will be changes to the project's Brown Street frontage. Two courtyards in the residential area will be located off the pedestrian promenade. The lights in the alley will be adjusted and changed for security purposes, and additional bike parking will be there. Mr. Bumbleburg stated that this project, which has been worked on for many months, produced a staff report with concepts on parking, patterns, utilities, and environmental, which is all an accurate representation. He stated that the bottom line is that the author of the staff report said that the staff was pleased with the negotiations. He stated that the staff report also said that this project has created a foundation for the future in this area with these particular buildings. It was done with an eye toward the future, and it looks like it will be a good look downstream. He noted that there are conditions on the staff report, none of which cause any grievance to anybody. He stated that the vote from APC was 12 yes to 0 no. He requested approval of this development.

There was no further discussion.

Ordinance No. 22-16 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect. (Starr Associates. LLC) (U-Haul Expansion) (R1 to GB) (Submitted by Area Plan Commission)

President Bunder read Ordinance No. 22-16 by title only.

Executive Director Fahey stated that this is the existing U-Haul site on the north side of Sagamore Parkway. She stated that there is an interesting history in that probably during the early-60s, a zoning line was drawn north of the right-of-way of Sagamore Parkway without respect to property lines. So, for many years this property has been zoned GB in the front and residential in the back. At this point, U-Haul would like to expand to add buildings to store U-Haul equipment, only in the GB portion. The portion of the property that extends farther north, zoned R1, abuts Westminster Village and the cul-de-sac with single-family homes on the west side. She stated that initially the APC staff was concerned about extending the GB to those abutting residential uses, but later learned that the property owner has already been working with City staff. The property owner has already been designing the northern end as a detention basin. They have already worked with the Greenspace Administrator, Bev Shaw, on this area to do some mounding and planting of vegetation to help keep that property buffered from the residential uses. She stated that although the plans are not binding, since the owners have already begun the process and shown good

faith with plantings, then the APC felt comfortable recommending favorably for the rest of the property to be zoned GB.

There was no further discussion.

Ordinance No. 23-16 An Ordinance Amending Animal Control Ordinance To Require Microchipping Of Impounded Animals (Sponsored by Mayor Dennis)

President Bunder read Ordinance No. 23-16 by title only.

Mayor Dennis confirmed for Counsel Burns that this ordinance originated with Almost Home. He stated that the logic behind this is obvious. A lot of people lose their pets and there are a lot of strays out there. This would be a way to find at least a preliminary location where the animal may reside. He stated that it is an identification thing, and allows us to know if the animal has been treated for rabies. It is like a dog tag, but it is placed within the skin of the animal. He stated that it is absolutely painless, and there is no trauma to the animal. All kinds of animals can be chipped, not just dogs.

Counsel Burns stated that he has a suggestion for a motion to address concerns over the language in the ordinance. He stated that there are two verbs in this that Councilor Sanders pointed out seemed to be cumbersome. The two verbs used currently are "microchipping" and "microchipped." He stated that he would ask for a motion to amend the filed ordinance by substitution to make grammatical changes in seven different places, and he will present a clean copy tomorrow. The amendment will take out those cumbersome terms and replace them in the appropriate spots with "microchip implantation" and "microchip implant." He stated that this will allow the Council to have a clean copy on Monday night, if so inclined.

Councilor Sanders moved to approve the aforementioned amendment by substitution. The motion was seconded by Councilor Leverenz, and the motion passed by voice vote.

Councilor DeBoer stated that in reading the actual code at this point in time, it makes it clear that the person who lost the animal will have to incur the fee for the microchip implanting. He stated he is curious how much that costs, and Mayor Dennis stated that he believes it is \$10. Councilor DeBoer stated that it is not as bad as he thought, but he would like hard numbers. Counsel Burns stated that he would get those.

Mary Cook (Harry's Chocolate Shop, 329 West State Street, owner) stated that her niece lost a dog that had a microchip, and it was gone for a week. She stated that they were told that the microchip did not mean anything when trying to find the dog. She stated that she does not understand the whole process, and she asked if someone has a good handle on how it relates.

Mayor Dennis explained that it is not a locator; it is just an identifier. He stated that the presumption is made that with the chips that the animal can be tracked. Although he believes that technology could be available, it is not what the ordinance is addressing. This deals with the animals that are dropped off at the shelter. The shelter then tries to connect the animal with the owner.

There was no further discussion.

Resolution No. 14-16 A Resolution Requesting The Transfer Of Funds (EDIT) (Prepared by the Controller)

President Bunder read Resolution No. 14-16 by title only.

Facilities Director Clark stated that this transfer of funds request is in the EDIT Fund from the Hydrant Rental Fund to the Buildings Fund. He explained that we are not being charged a hydrant rental fee anymore; it is being paid by the citizens directly to Indiana American Water. The money for the Buildings Fund will be used for a window project a Fire Station No. 1, which will be 100 years old next year. He stated that this will make the building more energy efficient.

Councilor Leverenz asked if the Building Fund includes maintenance. Controller Gray responded yes; it includes maintenance and improvements.

President Bunder asked if this finishes the fire hydrant line item. Controller Gray responded that he believes the amount in there is \$116,000 at the moment, and this is \$39,000 of that.

There was no further discussion.

REPORT BY THE MAYOR

Mayor Dennis introduced Erik Carlson who will be starting Monday as the new Director for the Department of Development.

President Bunder asked where Mr. Carlson is from, and Mr. Carlson responded that he currently lives in Lafayette. He stated that he has been working for a workforce and economic development consulting company in Indianapolis. He spoke about his background Ohio and Kentucky.

ADJOURNMENT

There being no further business at this time, Councilor DeBoer moved for adjournment. President Bunder adjourned the meeting, the time being 5:11 p.m.